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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,426	08/28/2000	Yossi Lev	2166/1	5644

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Dr Mark Friedman Ltd
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EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,426

Applicant(s)

LEV ET AL.

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 13, 14, 19-25, 31, 32, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 14, 19-25, 31, 32, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 12, 2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7, 13, 14, 19-25, 31, 32, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilska, US Patent 6,427,078 B1 in view of Taylor, US Patent 6,493,469 B1.**

Regarding claim 1, Wilska discloses a method for providing added utility to at least one video camera (See fig. 1) said method comprising the steps of:

(a) capturing and storing a plurality of frames of video containing visually perceptible data by the at least one video camera (Fig. 1: 14; col. 3, lines 54-65);

(b) opening at least one channel of communication (Fig. 3: 17 and 1: 18) and transmitting therethrough said visually perceptible data (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13);

(c) receiving said plurality of frames of video containing visually perceptible data by at least one device capable of communication (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13) (The notebook computer shown in fig. 1 is also capable of receiving image information from another communication device using the cellular mobile telephone shown in fig. 3: 17; Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13), and

(d) processing said plurality of frames of video containing visually perceptible data so that the processed data acquires added utility (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13) (The is notebook computer shown in fig. 1 is also capable of receiving image information from another communication device and process the received image to provide added utility, i.e. OCR, business card, etc.); wherein the at least one video camera is permanently attached to a cellular telephone (See col. 3, lines 36-40) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33). Wilska also discloses that the processing includes optical character recognition (Col. 5, lines 6-64).

Wilska fails to teach that the processing includes mosaicing followed by optical character recognition.

However, mosaicing a plurality of images prior to performing optical character recognition is well known in the art as taught by Taylor. Taylor teaches a method for scanning hardcopy documents wherein two images are scanned using cameras (Fig. 1: 107 and 109) and used to form a mosaic (described as composite image) image of the whole document (Fig. 1: 104), after the two images have been composed to form the mosaic image, optical character recognition is applied to said mosaic image (Col. 3, lines 8-16; col. 6, lines 7-33; col. 7, line 39 – col. 8, line 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wilska by having a step of mosaicing a plurality of images from a document prior to performing optical character recognition. The motivation to do so would have been to record large high resolution images of hardcopy documents that could then be either broadcast as part of a video conferencing system or be edited for use with other electronic documents as suggested by Taylor (Col. 1, lines 42-60).

Regarding claim 2, claim 2 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the visually perceptible data includes at least a portion of a printed document (Col. 5, lines 53-58).

Regarding claim 3, claim 3 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). Wilska discloses that the step of processing occurs during at least one time selected from the group consisting of prior to transmitting through said at least one channel of communication (Col. 5, lines 7-64) and after transmission through said at least one channel of communication (Col. 5, line 65 – col. 6, line 32).

Regarding claim 4, claim 4 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). Wilska discloses that said at least one device capable of communication is at least one device selected from the group consisting of an internet server (Col. 7, line 44 – col. 8, line 4 teaches sending electronic mails, sending electronic mails requires the use of an internet server), a cellular telephone (Fig. 3: 17) and a personal computer (Fig. 1) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 5, claim 5 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the

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claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Wilska in view of Taylor as applied to claim 1 teaches that the step of processing includes a sub-step of resolution enhancement (by composing images, Taylor teaches increasing the resolution of an image of a document; Taylor also teaches processing the mosaic image by applying adaptively thresholds (Fig. 8, step 824) to said mosaic image, applying adaptively thresholds to a image is used in order to convert low resolution grey-scale to higher resolution binary (See Taylor, col. 7, lines 39-55).

Regarding claim 6, Wilska discloses creating a legible image of at least a portion of a document (Col. 5, line 6 – col. 6, line 33).

Regarding claim 7, Wilska discloses that the sub-step of optical character recognition is employed to generate an editable text document from an image (Col. 5, line 6 – col. 6, line 33).

Regarding claim 13, Wilska discloses further comprising the step of transmitting said legible image of at least a portion of a document (Col. 5, line 6 – col. 6, line 33).

Regarding claim 14, Wilska discloses transmission of said editable text document to at least one of said at least one device capable of communication (Col. 5, line 6 – col. 6, line 33).

Regarding claim 19, Wilska discloses a system for providing added utility to at least one video camera (See fig. 1), said system comprising:

(a) the at least one video camera (Fig. 1: 14) containing a memory device (Fig. 3: 13) capable of at least transiently storing a plurality of frames of captured video containing visually perceptible data;

(b) at least one device capable of communication (Fig. 3: 13 and 1: 18), said at least one device capable of communication being designed and configured for receiving said a plurality of frames of video containing visually perceptible data, said at least one device capable of communication being further capable of opening least one channel of communication and transmitting there through said visually perceptible data (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13); and

(c) at least one processing device (Fig. 3: 2) designed and configured to process the visually perceptible data so that the processed data acquires added utility (Col. 3, lines 37-54; col. 5, line 65 – col. 6, line 13);

wherein the at least one video camera is permanently attached to a cellular telephone (See col. 3, lines 36-40) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33). Wilska also discloses that the processing includes optical character recognition (Col. 5, lines 6-64).

Wilska fails to teach that the processing includes mosaicing followed by optical character recognition.

However, mosaicing a plurality of images prior to performing optical character recognition is well known in the art as taught by Taylor. Taylor teaches a method for scanning hardcopy documents wherein two images are scanned using cameras (Fig. 1: 107 and 109) and used to form a mosaic (described as composite image) image of the whole document (Fig. 1: 104), after the two images have been composed to for the

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mosaic image, optical character recognition is applied to said mosaic image (Col. 3, lines 8-16; col. 6, lines 7-33; col. 7, line 39 – col. 8, line 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wilska by having a step of mosaicing a plurality of images from a document prior to performing optical character recognition. The motivation to do so would have been to record large high resolution images of hardcopy documents that could then be either broadcast as part of a video conferencing system or be edited for use with other electronic documents as suggested by Taylor (Col. 1, lines 42-60).

Regarding claim 20, claim 20 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Wilska discloses that the visually perceptible data includes at least a portion of a printed document (Col. 5, lines 53-58).

Regarding claim 21, claim 21 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). Wilska

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discloses that the at least one processing device processes said plurality of frames of video containing visually perceptible data in at least one location selected from the group consisting of in the at least one video camera (Fig. 1: 14) and in at least one of said at least one device capable of communication (Fig. 3: 17 and fig. 1: 18) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 22, claim 22 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). Wilska discloses that said at least one device capable of communication is at least one device selected from the group consisting of an internet server (Col. 7, line 44 – col. 8, line 4 teaches sending electronic mails, sending electronic mails requires the use of an internet server), a cellular telephone (Fig. 3: 17) and a personal computer (Fig. 1) (Col. 2, lines 25-65; col. 3, lines 36-65; col. 4, lines 48-64; col. 5, line 7 – col. 6, line 33).

Regarding claim 23, claim 23 is written as a Markush type claim by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus.” The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

The combined teaching of Wilska in view of Taylor as applied to claim 1 teaches that the step of processing includes a sub-step of resolution enhancement (by composing images, Taylor teaches increasing the resolution of an image of a document; Taylor also teaches processing the mosaic image by applying adaptively thresholds (Fig. 8, step 824) to said mosaic image (col. 7, lines 39-55), applying adaptively thresholds to a image is used in order to convert low resolution grey-scale to higher resolution binary image as disclosed by Taylor in U.S. patent 6,072,907; col. 3, lines 22-67).

Regarding claim 24, claim 24 is written as a Markush type claim by using the expression "consisting of", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gostelj, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). Wilska discloses that a legible image of at least a portion of a document is created (Col. 5, line 6 – col. 6, line 33).

Regarding claim 25, Wilska discloses that an editable text document is created from an image by optical character recognition (Col. 5, line 6 – col. 6, line 33).

Regarding claim 31, Wilska discloses transmitting the editable text document to at least one of said at least one device capable of communication (Col. 5, line 6 – col. 6, line 33).

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Regarding claim 32, Wilska discloses transmission of said editable text document to at least one device capable of communication (Col. 5, line 6 – col. 6, line 33).

Regarding claim 38, the combined teaching of Wilska in view of Taylor as applied to claim 1 teaches that the processing includes resolution enhancement between said mosaicing and said optical character recognition (by composing images, Taylor teaches increasing the resolution of an image of a document; Taylor also teaches processing the mosaic image by applying adaptively thresholds (Fig. 8, step 824) to said mosaic image, applying adaptively thresholds to a image is used in order to convert low resolution grey-scale to higher resolution binary image ^{See Taylor,} (col. 7, lines 39-55).

Regarding claim 39, the combined teaching of Wilska in view of Taylor as applied to claim 19 teaches that the at least one processing device processes the visually perceptible data by said mosaicing followed by resolution enhancement followed by said optical character recognition (by composing images, Taylor teaches increasing the resolution of an image of a document; Taylor also teaches processing the mosaic image by applying adaptively thresholds (Fig. 8, step 824) to said mosaic image (col. 7, lines 39-55), applying adaptively thresholds to a image is used in order to convert low resolution grey-scale to higher resolution binary image (See Taylor, col. 7, lines 39-55).

Contact

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH 12/
December 1, 2005


NGOC-YEN VU
PRIMARY EXAMINER